

# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.: 20-cv-22327-GAYLES**

**THERAGUN, INC.,**

Plaintiff,

v.

**GOLOVAN LTD., d/b/a GETKRAFT, an  
Israel limited company; DEZHOU CREATE  
FITNESS EQUIPMENT CO., LTD, a Chinese  
limited company; and DOES 1 through 10,  
inclusive,**

Defendants.

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**ORDER GRANTING MOTION FOR ELECTRONIC SERVICE OF PROCESS**


**THIS CAUSE** is before the Court on Plaintiff Theragun, Inc. (“Theragun”)’s Motion for Electronic Service of Process pursuant to Federal Rule of Civil Procedure 4(f)(3) (the “Motion”). [ECF No. 17]. The Court has carefully reviewed the Motion and the record and is otherwise fully advised. The Court finds that service on Defendant Dezhou Create Fitness Equipment, Co., Ltd. (“Dezhou”) by electronic means, including email and website submission, is reasonably calculated to apprise Dezhou of the pendency of this action and afford it an opportunity to present its objections. Service on Dezhou by electronic means does not violate the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters. *See* Fed. R. Civ. P. 4(f)(3); *see also Brookshire Bros. v. Chiquita Brands Int’l Inc.*, No. 05-CIV-21962, 2007 WL 1577771, at \*2 (S.D. Fla. May 31, 2007) (“[D]istrict courts have found broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements.”) (citing *Prewitt Enters., Inc. v. Org. of Petroleum*

*Exporting Countries*, 353 F.3d 916, 927 (11th Cir. 2003)). Further, this Court has authorized service of process through electronic means on individuals and entities situated in China under similar circumstances where the dispute concerns intellectual property. *See, e.g., Louis Vuitton Melletier v. Individuals, Partnerships et al.*, No. 20-CIV-61122, 2020 WL 4501765 (S.D. Fla. June 9, 2020); *Whirlpool Corporation v. Individuals, Partnerships et al.*, No. 20-CIV-60626, 2020 WL 4501788 (S.D. Fla. April 28, 2020); *Taylor Made Golf Company, Inc. v. Individuals, Partnerships et al.*, No. 20-CIV-60468, 2020 WL 3305383 (S.D. Fla. April 13, 2020).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Motion for Electronic Service of Process pursuant to Federal Rule of Civil Procedure 4(f)(3) [ECF No. 17] is **GRANTED**; and
2. Plaintiff shall serve the Summons and Complaint upon Defendant Dezhou in this action via e-mail at "info@dzcreate.cn" and also via Dezhou's electronic, interactive Alibaba website.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 16<sup>th</sup> day of September, 2020.



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DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE